

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

KAZUKO A. FRYSSINGER,)	CIVIL NO. 19-00306 JAO-WRP
)	
Plaintiff,)	FINDINGS AND
)	RECOMMENDATION TO DISMISS
vs.)	THIS ACTION WITHOUT
)	PREJUDICE
HILTON GRAND VACATIONS)	
CORPORATE,)	
)	
Defendant.)	
_____)	

FINDINGS AND RECOMMENDATION TO
DISMISS THIS ACTION WITHOUT PREJUDICE¹

On September 23, 2019, this Court issued a Deficiency Notice and Order Regarding Service of Defendant. See ECF No. 9. In that order, the Court gave notice to Plaintiff that she must serve his Complaint on Defendant no later than October 23, 2019, and that failure to do so may result in dismissal of this action for failure to prosecute or otherwise follow a court order. See id. (citing Fed. R. Civ. P. 41(b), 4(m); In re Sheehan, 253 F.3d 507, 513 (9th Cir. 2001)).

Plaintiff has not filed a return of service indicating that she effected

¹ Within fourteen days after a party is served with the Findings and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), a party may file written objections in the United States District Court. A party must file any objections within the fourteen-day period to preserve appellate review of the Findings and Recommendation.

service. Based on the docket, Plaintiff has not effected service of the Complaint or Summons as required under Rule 4 of the Federal Rules of Civil Procedure.

Accordingly, the Court FINDS AND RECOMMENDS that this case be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rule of Civil Procedure.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, NOVEMBER 1, 2019.



A handwritten signature in black ink, appearing to read "Wes Reber Porter".

Wes Reber Porter
United States Magistrate Judge

FRYSINGER V. HILTON GRAND VACATIONS CORPORATE, CIVIL NO. 19-00306 JAO-WRP; FINDINGS AND RECOMMENDATION TO DISMISS THIS ACTION WITHOUT PREJUDICE